

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Applicants thank the Examiner for total consideration given the present application. Claims 1-39 are pending prior to the Office Action. No claims have been added and no claims have been canceled through this reply. Therefore, claims 1-39 are pending. Claims 1, 5, 23, 25, 32, 36, and 38 are independent. Applicants respectfully request reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seek timely allowance of all pending claims.

OFFICIAL ACTION

Claim Rejection - 35 U.S.C. § 102(e)

Claims 1, 5, 17-19, 21, 28, 32-33 and 36-38 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated over Dureau (U.S. Publication No. 2003/0135860 A1). Applicants respectfully traverse this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Dureau fails to teach or suggest each and every claimed element.

Argument: Features of claims not taught by Dureau:

Applicants have amended independent claims 1, 5, 23, 25, 32, 36, and 38 merely to further clarify the invention in order to move prosecution forward. Support for such claim amendments may be found in, at least, Figure 10 and paragraphs 39-40 and 82-83. Independent claims 1, 5, 23, 25, 32, 36, and 38 has been amended to include additional limitations. For example, claim 1 as amended recites, *inter alia*, "a transmitter/receiver that transmits and receives data to and from the data reception apparatus, wherein the data transmission apparatus receives control data from the data reception apparatus, where the control data includes a start-up request and a shutting-down request; a system control section that determines whether or not

shutting-down is requested through an operation, or through reception of the control data from the data reception apparatus, or with a timer setting in the system control section.”

Dureau does not show or suggest a transmitter/receiver that transmits and receives data to and from the data reception apparatus, wherein the data transmission apparatus receives control data from the data reception apparatus, where the control data includes a start-up request and a shutting-down request; a system control section that determines whether or not shutting-down is requested through an operation, or through reception of the control data from the data reception apparatus, or with a timer setting in the system control section as now claimed, and independent claim 1 as amended is submitted to be allowable over Dureau for at least this reason.

Independent claims 5, 32, 36, and 38 as amended are submitted to be allowable for similar reasons as set forth above in reference to independent claim 1.

Dependent claims 17-19, 21, 28, 33 and 37 are allowable for the reasons set forth above with regards to independent claims at least based on their dependency on independent claims.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 5, 17-19, 21, 28, 32-33 and 36-38 under 35 U.S.C. § 102(e).

Reconsideration and allowance of claims 1, 5, 17-19, 21, 28, 32-33 and 36-38 are respectfully requested for at least these reasons.

Claim Rejection - 35 U.S.C. § 103(a)

Claims 2-3, 6-7, 9-10, 23, 25-27, 29-31, 34-35 and 39 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dureau in view of Ludtke et al. (U.S. Patent 6,233,611 B1). Claims 4, 8, 11-16, 20, 22, and 24 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dureau and additional references. Applicants respectfully traverse this rejection.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish a *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Argument: Features of claims not taught by Dureau:

Independent claims 23 and 25 are allowable for similar reasons as set forth above in reference to independent claim 1.

Dependent claims 2-4, 6-22, 24, 26-31, 33-35, 37, and 39 are allowable for the reasons set forth above with regards to independent claims at least based on their dependency on independent claims.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 2-4, 6-31, 33-35, 37, and 39 under 35 U.S.C. § 103(a).

Reconsideration and allowance of claims 2-4, 6-31, 33-35, 37, and 39 are respectfully requested for at least these reasons.

CONCLUSION

Therefore, for at least these reasons, all claims are believed to be distinguishable over the combination of Dureau and Ludtke, individually or in any combination. Therefore, claims 1-39 are distinguishable over the cited references.

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance.

Applicants respectfully request that the claims 1-39 be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh, Reg. No. 62,278, at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/814,119
Amendment dated September 2, 2008
In response to the Office Action dated May 1, 2008

Docket No.: 2936-0214PUS1
Art Unit: 4152

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated: September 2, 2008

Respectfully submitted,

By 
Charles Gorenstein
Registration No.: 29,271
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant